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Attorneys for Plaintiff
Crum & Forster Indemnity Co.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Crum & Forster Indemnity Co.,

Plaintiff,

v.

Robb Report Media, LLC;
Robb Douglas Rice;
Anatoly Borokhovich; and
Emil Borokhovich,

Defendants.

Civil Action No. 3:20-cv-00127-LB

SECOND AMENDED COMPLAINT FOR:

- 1. Breach of Contract**
- 2. Breach of Contract**
- 3. Negligence**
- 4. Negligence**

DEMAND FOR JURY TRIAL

AND CROSS-CLAIM.

COMPLAINT

Plaintiff, Crum & Forster Indemnity Co. ("Crum & Forster") a/s/o Ferrari North America, Inc. ("Ferrari"), by and through its undersigned counsel, alleges the following against Defendants,

1 Robb Report Media, LLC (“Robb Report”), Robb Douglas Rice (“Rice”), Emil Borokhovich (“E.
2 Borokhovich”) and Anatoly Borokhovich (“A. Borokhovich”) (collectively, “Defendants”):

3 **PARTIES**

4 1. Crum & Forster is a corporation domiciled in the State of New Jersey with a principal
5 place of business at 305 Madison Avenue, Morristown, New Jersey.

6 2. Ferrari is a corporation domiciled in the State of New Jersey with a principal place of
7 business at 250 Sylvan Avenue, Englewood Cliffs, New Jersey.

8 3. Crum & Forster issued an insurance policy to Ferrari insuring a 2018 Rosso Corsa,
9 Nero, Ferrari 812 Superfast with Vin number 234331 (the “Vehicle”), pursuant to policy number
10 133742919 (the “Policy”).

11 4. At all times material hereto, Crum & Forster was licensed to issue insurance policies
12 in the State of New Jersey.

13 5. Upon information and belief, Robb Report is a limited liability company organized
14 pursuant to the laws of the State of California with a principal place of business at 11175 Santa
15 Monica Boulevard, Los Angeles, California.

16 6. Upon information and belief, Rice is a citizen of the State of California with an
17 address of 712 Longfellow Avenue, Hermosa Beach, California.

18 7. Upon information and belief, A. Borokhovich is a citizen of the State of California
19 with an address of 11664 El Cerro Lane, Studio City, California.

20 8. Upon information and belief, E. Borokhovich is a citizen of the State of California
21 with an address of 5901 W. Olympic Blvd., Suite 103, Los Angeles, CA, 90036.

22 **JURISDICTION AND VENUE**

23 9. This Court possesses original jurisdiction pursuant to 28 U.S.C. § 1332(a) because the
24 matter in controversy exceeds the sum of value of \$75,000.00 exclusive of interest and costs, and the
25 matter in controversy is between citizens of different states.

26 10. Venue is proper in the United States District Court of the Northern District of
27 California under 28 U.S.C. § 84(a) and 28 U.S.C. § 1391(b)(2), because it is the judicial district
28 where the injury occurred.

FACTUAL ALLEGATIONS

THE VEHICLE AND AUTHORIZED OPERATORS

11. Ferrari is a manufacturer and distributor of fine Italian motor vehicles.

12. Ferrari also loans vehicles to individuals and entities for both short and long term use.

13. On or about October 19, 2018, Robb Report and Ferrari entered into an Agreement and Authorization to loan to Robb Report the Vehicle for use as part of its Car of the Year review.

14. Robb Report knew and understood that its receipt of the Vehicle was conditioned upon agreement to the Agreement and Authorization. By taking possession of the Vehicle Robb Report accepted and executed the terms and conditions of the Agreement and Authorization.

15. The borrower of the Vehicle was identified in the Authorization as “*Robb Report Car of the Year.*” *See Exhibit A.*

16. Rice represented to Ferrari that he would be the authorized driver of the Vehicle and provided his contact information and driver’s license to Ferrari’s records. *See Exhibit A.*

17. Pursuant to Section 1 of the Agreement, “[Robb Report] agrees that it shall be responsible for damage to the vehicle(s) borrowed under the Vehicle Loan Authorization Form which is attached and incorporated by reference.”

18. Pursuant to Section 3 of the Agreement, “[Robb Report] agrees that no one, other than authorized drivers shall be permitted to operate the Vehicle, unless prior authorization is obtained from [Ferrari].”

19. Pursuant to Section 4 of the Agreement, “[Robb Report] agrees to return the Vehicle in the same condition as received, except for normal wear and tear[.]”

THE ROBB REPORT CAR OF THE YEAR EVENT

20. RR1 by Robb Report is a membership service that allows members to “enjoy truly unique access to luxury through Robb Report’s exclusive Signature Events and experience with a remarkable group of peers.” *See RR1.com.*

21. One of the “Signature Events” hosted by RR1 is the Robb Report Car of the Year experience.

1 22. In 2018, Robb Report hosted its Car of the Year experience at the Meadowood Resort
2 in Napa, California (the “Event”).

3 23. The Event was conducted between October 28 and November 9, 2018.

4 24. The Event markets itself as an opportunity to put attendees in the driver’s seat, able to
5 test-drive and evaluate up to thirteen luxury and performance vehicles that vie for the title of “Robb
6 Report Car of the Year.”

7 **THE ACCIDENT**

8 25. Ferrari delivered the Vehicle to Meadowood Resort, St. Helena, California on
9 October 21, 2018, and the Vehicle was scheduled to be returned on about November 10, 2018.

10 26. Robb Report and Rice represented to Ferrari that only authorized persons who were
11 jurors and journalists would be able to access the Vehicle.

12 27. On Friday, November 2, 2018, A. Borokhovich and E. Borokhovich each executed an
13 agreement to take possession of and drive the Vehicle. *See Exhibit B & Exhibit C.*

14 28. The agreements executed by A. Borokhovich and E. Borokhovich were executed on
15 an iPad or similar tablet and expressly incorporated the terms and conditions of the Agreement and
16 Authorization executed by Robb Report and Ferrari.

17 29. Specifically, the agreements executed by A. Borokhovich and E. Borokhovich state
18 that “you are agreeing to all of the terms, conditions, and stipulations laid out in all of the following
19 forms.”

20 30. The forms listed in the agreements executed by A. Borokhovich and E. Borokhovich
21 include “Ferrari Superfast Juror Vehicle Loan Agreement.”

22 31. “Ferrari Superfast Juror Vehicle Loan Agreement” was a link to the Agreement and
23 Authorization, which A. Borokhovich and E. Borokhovich agreed to click and review prior to
24 executing their respective agreements with Robb Report to take possession of and drive any of the
25 vehicles Robb Report made available to test drive, including the Vehicle.

26 32. On November 4, 2018, A. Borokovich and E. Borokovich took possession of the
27 Vehicle.
28

1 33. On November 4, 2018, A. Borokovich as the driver and E. Borokovich as a passenger
2 crashed the Vehicle on Meadowood Lane in an unincorporated part of Napa County in California.

3 34. Officer Kirk Paulson of the California Highway Patrol (“Officer Paulson”) responded
4 to the accident scene and took statements from all witnesses including the driver and passenger of
5 the Vehicle, which were memorialized in a formal accident report (the “Accident Report”). A true
6 and correct copy of the Accident Report is attached hereto as **Exhibit D**.

7 35. According to Officer Paulson’s report, A. Borokhovich was operating the Vehicle at
8 the time of the accident. *See* **Exhibit D** at 1.

9 36. A. Borokhovich stated to Officer Paulson that he lost control of the Vehicle while
10 attempting to avoid another vehicle that had crossed over the double yellow line on Meadowood
11 Lane and into his lane. *See* **Exhibit D** at 8.

12 37. A. Borokhovich further stated that he was driving the speed limit when the accident
13 occurred, which is twenty-five (25) miles per hour.

14 38. E. Borokhovich could not corroborate A. Borokhovich’s version of the accident.

15 39. Officer Paulson also spoke with a witness, Victor Perez (“Perez”), who stated that he
16 was working the front gate at the Meadowood Resort when he observed the Vehicle exit the resort,
17 followed by the sound of rapid acceleration and a loud crash.

18 40. Perez further stated to Officer Paulson that he then entered his vehicle and drove to
19 the crash scene.

20 41. Perez reported that no other vehicles had driven past him between the time the
21 Vehicle left the resort and his arrival at the scene of the accident.

22 42. Officer Paulson also conducted a physical examination of the Vehicle, the road, the
23 tree that the Vehicle crashed into, and other physical evidence such as tire marks and dirt marks
24 present at the scene of the accident.

25 43. After review of the physical evidence and the statements made by the witnesses,
26 Officer Paulson concluded that A. Borokhovich was at fault for the accident and the accident was
27 caused because A. Borokhovich lost control of the Vehicle by executing an unsafe turn at speeds in
28 excess of twenty-five miles per hour.

1 60. Robb Report and Rice owed a duty of care to Ferrari North America, Inc. to ensure
2 that any individuals who took possession of or drove the Vehicle would return the vehicle in the
3 same condition it was received.

4 61. Robb Report and Rice breached that duty of care by allowing A. Borokhovich and E.
5 Borokhovich to take possession of and drive the Vehicle.

6 62. It was foreseeable that a breach of the duty of care would cause Ferrari North
7 America, Inc. to suffer damages.

8 63. The damage to the Vehicle was caused directly and proximately by the intentional,
9 reckless, careless, and/or negligent conduct of Robb Report and Rice.

10 64. The intentional, reckless, careless, and/or negligent conduct includes failing to review
11 and monitor the use of the Vehicle, to safely operate the Vehicle, and to return the Vehicle in the
12 condition it was received.

13 **WHEREFORE**, Crum & Forster demands a Jury Trial and judgment against Robb Report,
14 and Rice, for all actual, consequential, anticipatory, and statutory damages, as well as all attorneys'
15 fees/costs, interest, and other relief this Court deems appropriate.

16 **FOURTH CLAIM FOR RELIEF**

17 **Negligence**

18 **Against A. Borokhovich; and E. Borokhovich**

19 65. Crum & Forster repeats and restates each of the foregoing paragraphs as if set forth at
20 length herein.

21 66. A. Borokhovich and E. Borokhovich owed a duty of care to Ferrari North America,
22 Inc. to operate the Vehicle in a safe manner and return the Vehicle in the condition it was received.

23 67. A. Borokhovich and E. Borokhovich breached that duty of care by failing to operate
24 the Vehicle in a safe manner and failing to return the Vehicle in the condition it was received.

25 68. It was foreseeable that a breach of the duty of care would cause Ferrari North
26 America, Inc. to suffer damages.

27 69. The damage to the Vehicle was caused directly and proximately by the intentional,
28 reckless, careless, and/or negligent conduct of A. Borokhovich and/or E. Borokhovich.

1 70. The intentional, reckless, careless, and/or negligent conduct include failing to safely
2 operate the Vehicle, exceeding the speed limit, and failing to return the Vehicle in the condition it
3 was received.

4 **WHEREFORE**, Crum & Forster demands a Jury Trial and judgment against A.
5 Borokhovich and E. Borokhovich for all actual, consequential, anticipatory, and statutory damages,
6 as well as all attorneys' fees/costs, interest, and other relief this Court deems appropriate.

7
8 Dated: June 9, 2020

**Crum & Forster Indemnity Co. A/S/O
Ferrari North America, Inc.**

9
10 By: /s/ Joshua A. Zielinski
O'Toole Scrivo, LLC
11 14 Village Park Road
Cedar Grove, NJ 07009

12
13 Dated: June 9, 2020

LOSCH EHRlich & MEYER

14 By: /s/ Joseph Ehrlich
Joseph Ehrlich
15 Mark R. Meyer
16 Attorneys for Crum & Forster
Indemnity Co.

Exhibit A

FERRARI NORTH AMERICA, INC. VEHICLE LOAN AGREEMENT

The purpose of this Vehicle Loan Agreement is to set forth the terms and conditions upon which Ferrari North America, Inc. will loan a vehicle for press or other approved usage.

1. Borrower (as set forth below) shall be responsible for damage to the vehicle(s) borrowed under the Vehicle Loan Authorization Form ("Vehicle[s]") which is attached and incorporated by reference. Borrower shall also release, indemnify and hold harmless Ferrari North America, Inc. ("FNA"), its parent, all subsidiaries and affiliates, from any and all claims, damages, loss or expenses attributable to property damage or bodily injury (including, but not limited to, sickness, injury and death) and property damage arising from or allegedly arising from Borrower's use of the Vehicle(s) unless, and to the extent, caused by the sole negligence of FNA. In addition, FNA requires that prior to loaning any vehicle, the Borrower(s) provide FNA with their driver's license information including state of issue and license number, and that Borrower, signing below, consents to FNA having its insurer conduct a license background check. FNA reserves the right to disallow vehicle operation by individuals who, in the sole judgment of FNA, or its insurer, possesses an adverse driving record as determined by researching applicable state motor vehicle record.
2. Borrower agrees to maintain primary Automobile Liability insurance in the amount of at least One Million Dollars (\$1,000,000) per occurrence, Bodily Injury and Property Damage on the loaned Vehicle(s). A Certificate of Insurance is attached evidencing such coverage, naming "Ferrari North America, Inc., its parent, all subsidiaries and affiliates", as Additional Insureds and stipulating that such coverage applies on a primary basis.
3. Borrower agrees that no one, other than authorized drivers shall be permitted to operate the Vehicle(s), unless prior authorization is obtained from FNA. Any authorized driver must be a minimum of twenty-five (25) years of age and possess a valid driver's license. No driver shall operate the vehicle while under the influence of alcohol or drugs.
4. Borrower is also responsible for any parking tickets and moving violations incurred during Vehicle use.
5. Borrower agrees to return the Vehicle(s) in the same condition as received, except for normal wear and tear, and be responsible for maintenance of the Vehicle(s) (gas, oil, tire pressure, etc.)
6. Borrower agrees to notify FNA within (2) hours of any accident involving a vehicle. This includes verbal notification to FNA's Public Relations Department at (201) 816-2621 and submission of written accident information to that department within five (5) days of the accident.

7. Borrower agrees to require that all occupants of the Vehicle(s) wear seat belts at all times.

IN WITNESS WHEREOF, and intending to be legally bound hereby, FNA and Borrower have each caused this Agreement to be executed and delivered by their proper and duly authorized representatives as of this 19th day of October, 2018.

(SIGNATURE ON FILE)

("Borrower")

Ferrari North America, Inc.
("FNA")

VEHICLE LOAN AUTHORIZATION FORM

Ferrari North America, Inc. ("FNA")
FNA's Contact Name: Krista Florin
Borrower's Company Name: *Robb Report* Car of the Year
Borrower's Contact Name: Robb Rice
712 Longfellow Ave.
Hermosa Beach, CA 90254

The following individuals are authorized to operate the noted Vehicle(s) during the time indicated in and subject to the conditions outlines in the Vehicle Loan Agreement:

<u>Authorized Driver(s) Name</u>	<u>Date of Birth</u>	<u>Driver's License No./State</u>
Robb Douglas Rice	7/14/1978	F5688052

Borrowed Vehicle(s)

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Color</u>	<u>Vin</u>
2018	Ferrari	812 Superfast	Rosso Corsa, Nero	234331

Delivery Location:	Meadowood, St. Helena, CA	Date:	10/21/2018
Return Location:	AS ABOVE	Date:	11/10/2018

Exhibit B

Friday, November 2, 2018

Car of the Year Napa Valley 2018 Driver Waivers

2018 Waivers

Name

Anatoly Borokhovich

Email

anatolyborokhovich@gmail.com

Phone Number

(323) 4045393

Address

12540 Burbank Blvd, #103
Valley Village, CA, 91607
United States

I am at least 25 years old

Yes

My driver's license is valid with no restrictions

Yes

Drivers License Number

D5778820

Drivers License State

California

License Expiration

Friday, July 21, 2023

While we will have your license info on file,

you must have your drivers license with you at all times while driving.

Insurer

Mercury insurance

Policy Number

040104004434087

Phone Number

(323) 4045393

Emergency Contact

Tatiana Borokhovich

Relation

Mother

Emergency Contact's Phone Number

(323) 4592693

By signing your name below you are agreeing to all of the terms, conditions, and stipulations laid out in all of the following forms. Please click each link below to review each waiver you are signing for.

Robb Report Car of the Year Napa Valley - Waiver & Release

[Aston Martin Release Waiver - Test Drive](#)

[Bentley Automobile Loan Agreement](#)

[BMW Loan Agreement](#)

[Ferrari Superfast Juror Vehicle Loan Agreement](#)

[Ford Mustang Vehical Loan Agreement](#)

[Lamborghini Release, Waiver-of-Liability, Assumption-of-Risk, and Indemnity Agreement](#)

[Mercedes-Benz Waiver and Release Form](#)

[Porsche Loan Agreement](#)

[Rolls-Royce Release and Waiver of Liability](#)

If you are unable to agree to the terms on any of the above forms, do not sign below. Please email carolineb@robbreport.com detailing the form in question. Refusal to sign any for any of the cars will result in your disqualification to drive that particular vehicle, but will not bar you from riding or judging the vehicle. In order to ride or participate in guest activities, the Robb Report Event Car of the Year Napa Valley - Waiver & Release must be signed.

For Aston Martin, you are given the opportunity to opt in or out of their promotional materials. Please click below if you agree.

Aston Martin would like to be able to contact you with invitations, news and information about products and services relating to Aston Martin and to be able to share your information with Aston Martin's group companies and Authorized Dealers in your local region. If you would like to receive such invitations and information, please confirm that we may use your information as described and please specify which of the following means you prefer:

Email

Telephone

Lamborghini - I agree to allow the transfer of my personal data to third parties, as well as companies belonging to the Volkswagen-Audi Group, for the purposes set forth in the relevant section of the Lamborghini Waiver. I understand that Autotobili Lamborghini of America will not sell my personal data to any third parties for marketing purposes.

Signature

A handwritten signature in blue ink, consisting of a large, stylized loop with a vertical line crossing it, and a long horizontal stroke extending to the right.

This form will be emailed to you for your files upon submission.

For any questions or concerns, please contact Caroline Barry at carolineb@robbreport.com or call 310-589-7664.

Exhibit C

Friday, November 2, 2018

Car of the Year Napa Valley 2018 Driver Waivers

2018 Waivers

Name

Emil Borokhovich

Email

mikanp@yahoo.com

Phone Number

(213) 8045678

Address

5901 w Olympic blvd, Suite 103
Los Angeles , CA, 90037

I am at least 25 years old

Yes

My driver's license is valid with no restrictions

Yes

Drivers License Number

A7286779

Drivers License State

CA

License Expiration

Thursday, October 13, 2022

While we will have your license info on file,

you must have your drivers license with you at all times while driving.

Insurer

Mercury Casualty Ins Co.

Policy Number

040104004434087

Phone Number

(8005033724)

Emergency Contact

Tatiana Borokhovich

Relation

Spouse

Emergency Contact's Phone Number

(323) 459693

By signing your name below you are agreeing to all of the terms, conditions, and stipulations laid out in all of the following forms. Please click each link below to review each waiver you are signing for.

Robb Report Car of the Year Napa Valley - Waiver & Release

[Aston Martin Release Waiver - Test Drive](#)

[Bentley Automobile Loan Agreement](#)

[BMW Loan Agreement](#)

[Ferrari Superfast Juror Vehicle Loan Agreement](#)

[Ford Mustang Vehical Loan Agreement](#)

[Lamborghini Release, Waiver-of-Liability, Assumption-of-Risk, and Indemnity Agreement](#)

[Mercedes-Benz Waiver and Release Form](#)

[Porsche Loan Agreement](#)

[Rolls-Royce Release and Waiver of Liability](#)

If you are unable to agree to the terms on any of the above forms, do not sign below. Please email carolineb@robbreport.com detailing the form in question. Refusal to sign any for any of the cars will result in your disqualification to drive that particular vehicle, but will not bar you from riding or judging the vehicle. In order to ride or participate in guest activities, the Robb Report Event Car of the Year Napa Valley - Waiver & Release must be signed.

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Email

US Mail

Telephone

Lamborghini - I agree to allow the transfer of my personal data to third parties, as well as companies belonging to the Volkswagen-Audi Group, for the purposes set forth in the relevant section of the Lamborghini Waiver. I understand that Autotobili Lamborghini of America will not sell my personal data to any third parties for marketing purposes.

Signature

A handwritten signature in blue ink, appearing to be 'GML', is written on a white background.


This form will be emailed to you for your files upon submission.

For any questions or concerns, please contact Caroline Barry at carolineb@robbreport.com or call 310-589-7664.

Exhibit D

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
TRAFFIC COLLISION REPORT
 CHP 555 PAGE 1 (REV. 04-11) OPI 080

PAGE 1 OF 9

SPECIAL CONDITIONS		NUMBER INJURED 1	HT & RUN FELONY <input type="checkbox"/>	CITY UNINCORPORATED	JUDICIAL DISTRICT NAPA SUPERIOR CRT		LOCAL REPORT NUMBER 9325-2018-01207	
		NUMBER KILLED 0	HT & RUN MISDEMEANOR <input type="checkbox"/>	COUNTY NAPA	REPORTING DISTRICT 003		DAY OF WEEK SUNDAY	TOW AWAY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
LOCATION	COLLISION OCCURRED ON: MEADOWOOD LANE				MO 11/04/2018	DAY 1440	TIME (2400)	NCIG # 9325
	MILEPOST INFORMATION:				GPS COORDINATES LATITUDE 38.51680°		LONGITUDE -122.46084°	
	AT INTERSECTION WITH: <input checked="" type="checkbox"/> OR: 438 FEET EAST OF SILVERADO TRAIL				STATE HWY REL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		PHOTOGRAPHS BY: <input checked="" type="checkbox"/> NONE	
PARTY 1	DRIVER'S LICENSE NUMBER DS778820		STATE CA	CLASS C	AIR BAG L	SAFETY EQUIP. G	VEH. YEAR 2018	MAKE / MODEL / COLOR FERR 800 SUPERFAST RED
DRIVER <input checked="" type="checkbox"/>	NAME (FIRST, MIDDLE, LAST) ANATOLY BOROKHOVICH				OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER		FERRARI NORTH AMERICA	
EDUC- TRIAN <input type="checkbox"/>	STREET ADDRESS 11664 EL CERRO LN				OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER		250 SYLVAN AVE ENGLEWOOD CLIFFS NJ 07632	
PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP STUDIO CITY CA 91604				DISPOSITION OF VEHICLE ON ORDER OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input checked="" type="checkbox"/> OTHER		MADELYN KLEHR-KEYES - (845)269-9279	
ICV- CLIST <input type="checkbox"/>	SEX M	HAIR BRN	EYES BRN	HEIGHT 5-09	WEIGHT 170	MO 07/21/1993	DAY YEAR	RACE O
OTHER <input type="checkbox"/>	HOME PHONE (323)404-5393		BUSINESS PHONE UNKNOWN		VEHICLE IDENTIFICATION NUMBER: ZFF83CLA3J0234331			
INSURANCE CARRIER MERCURY		POLICY NUMBER 040104004434087		VEHICLE TYPE 01		DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD <input checked="" type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER		SHADE IN DAMAGED AREA TCP/PC
DIR OF TRAVEL ON STREET OR HIGHWAY N		SPEED LIMIT 25		CA _____ DOT _____		CAL-T _____ TCP/PC _____ MC/MX _____		
PARTY 2	DRIVER'S LICENSE NUMBER		STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE / MODEL / COLOR
DRIVER <input type="checkbox"/>	NAME (FIRST, MIDDLE, LAST)				OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER			
EDUC- TRIAN <input type="checkbox"/>	STREET ADDRESS				OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER			
PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP				DISPOSITION OF VEHICLE ON ORDER OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER			
ICV- CLIST <input type="checkbox"/>	SEX	HAIR	EYES	HEIGHT	WEIGHT	MO	BIRTHDATE DAY YEAR	RACE
OTHER <input type="checkbox"/>	HOME PHONE		BUSINESS PHONE		VEHICLE IDENTIFICATION NUMBER:			
INSURANCE CARRIER		POLICY NUMBER		VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER		SHADE IN DAMAGED AREA
DIR OF TRAVEL ON STREET OR HIGHWAY		SPEED LIMIT		CA _____ DOT _____		CAL-T _____ TCP/PC _____ MC/MX _____		
PARTY 3	DRIVER'S LICENSE NUMBER		STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE / MODEL / COLOR
DRIVER <input type="checkbox"/>	NAME (FIRST, MIDDLE, LAST)				OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER			
EDUC- TRIAN <input type="checkbox"/>	STREET ADDRESS				OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER			
PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP				DISPOSITION OF VEHICLE ON ORDER OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER			
ICV- CLIST <input type="checkbox"/>	SEX	HAIR	EYES	HEIGHT	WEIGHT	MO	BIRTHDATE DAY YEAR	RACE
OTHER <input type="checkbox"/>	HOME PHONE		BUSINESS PHONE		VEHICLE IDENTIFICATION NUMBER:			
INSURANCE CARRIER		POLICY NUMBER		VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER		SHADE IN DAMAGED AREA
DIR OF TRAVEL ON STREET OR HIGHWAY		SPEED LIMIT		CA _____ DOT _____		CAL-T _____ TCP/PC _____ MC/MX _____		
PREPARED BY NAME		DISPATCH NOTIFIED		REVIEWER'S NAME		DATE REVIEWED		

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
TRAFFIC COLLISION CODING
 HP 556 CARS PAGE2 (REV. 04-11) OPI 080

PAGE 2 OF 8

DATE OF COLLISION (MO. DAY YEAR)	TIME(2400)	NCIC #	OFFICER I.D.	NUMBER
1/04/2018	1440	9325	013434	9325-2018-01207

OWNER'S NAME	OWNER ADDRESS	NOTIFIED
PATRICK DAVILA	800 MEADOWOOD LANE SAINT HELENA, CA 94574	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

PROPERTY DAMAGE	DESCRIPTION OF DAMAGE
	OLIVE TREE DAMAGED.

SEATING POSITION	SAFETY EQUIPMENT	AIR BAG	INATTENTION CODES
<p>1 - DRIVER 2 TO 6 - PASSENGERS 7 - STATION WAGON REAR 8 - REAR, OCC TRK. OR VAN 9 - POSITION UNKNOWN 0 - OTHER</p>	<p>OCCUPANTS</p> <p>A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SHOULDER HARNESS USED H - LAP/SHOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED P - NOT REQUIRED</p> <p>CHILD RESTRAINT</p> <p>Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE</p> <p>M/C BICYCLE HELMET</p> <p>DRIVER PASSENGER V - NO X - NO W - YES Y - YES</p>	<p>B - UNKNOWN L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED</p> <p>EJECTED FROM VEHICLE</p> <p>0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN</p>	<p>A - CELL PHONE HANDHELD B - CELL PHONE HANDSFREE C - ELECTRONIC EQUIPMENT D - RADIO / CD E - SMOKING F - EATING G - CHILDREN H - ANIMALS I - PERSONAL HYGIENE J - READING K - OTHER</p>

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR	TRAFFIC CONTROL DEVICES	1	2	3	SPECIAL INFORMATION	1	2	3	MOVEMENT PRECEDING COLLISION
<p>1. LIST NUMBER (#) OF PARTY AT FAULT</p> <p>2. OTHER IMPROPER DRIVING*</p> <p>3. OTHER THAN DRIVER*</p> <p>4. UNKNOWN*</p> <p>5. WEATHER (MARK 1 TO 2 ITEMS)</p> <p>6. LIGHTING</p> <p>7. ROADWAY SURFACE</p> <p>8. ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)</p> <p>9. H NO UNUSUAL CONDITIONS</p>	<p>A CONTROLS FUNCTIONING</p> <p>B CONTROLS NOT FUNCTIONING*</p> <p>C CONTROLS OBSCURED</p> <p>D NO CONTROLS PRESENT / FACTOR*</p> <p>E TYPE OF COLLISION</p> <p>F HIT OBJECT</p> <p>G OVERTURNED</p> <p>H VEHICLE / PEDESTRIAN</p> <p>I OTHER*</p> <p>J MOTOR VEHICLE INVOLVED WITH</p> <p>K A NON - COLLISION</p> <p>L PEDESTRIAN</p> <p>M OTHER MOTOR VEHICLE</p> <p>N MOTOR VEHICLE ON OTHER ROADWAY</p> <p>O PARKED MOTOR VEHICLE</p> <p>P TRAIN</p> <p>Q BICYCLE</p> <p>R ANIMAL</p> <p>S FIXED OBJECT: OLIVE TREE</p> <p>T OTHER OBJECT:</p> <p>U PEDESTRIAN'S ACTIONS</p> <p>V A NO PEDESTRIANS INVOLVED</p> <p>W B CROSSING IN CROSSWALK - AT INTERSECTION</p> <p>X C CROSSING IN CROSSWALK - NOT AT INTERSECTION</p> <p>Y D CROSSING - NOT IN CROSSWALK</p> <p>Z E IN ROAD - INCLUDES SHOULDER</p> <p>AA F NOT IN ROAD</p> <p>AB G APPROACHING / LEAVING SCHOOL BUS</p>				<p>A HAZARDOUS MATERIAL</p> <p>B CELL PHONE HANDHELD IN USE</p> <p>C CELL PHONE HANDSFREE IN USE</p> <p>D CELL PHONE NOT IN USE</p> <p>E SCHOOL BUS RELATED</p> <p>F 75 FT MOTORTRUCK COMBO</p> <p>G 32 FT TRAILER COMBO</p> <p>H</p> <p>I</p> <p>J</p> <p>K</p> <p>L</p> <p>M</p> <p>N</p> <p>O</p> <p>OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)</p> <p>A VO SECTION VIOLATED: CITED: YES NO</p> <p>B VO SECTION VIOLATED: CITED: YES NO</p> <p>C VO SECTION VIOLATED: CITED: YES NO</p> <p>D</p> <p>E VISION OBSCUREMENT:</p> <p>F INATTENTION*</p> <p>G STOP & GO TRAFFIC</p> <p>H ENTERING / LEAVING RAMP</p> <p>I PREVIOUS COLLISION</p> <p>J UNFAMILIAR WITH ROAD</p> <p>K DEFECTIVE VEH. EQUIP.: CITED: YES NO</p> <p>L UNINVOLVED VEHICLE</p> <p>M OTHER*</p> <p>N NONE APPARENT</p> <p>O RUNAWAY VEHICLE</p>				<p>A STOPPED</p> <p>B PROCEEDING STRAIGHT</p> <p>C RAN OFF ROAD</p> <p>D MAKING RIGHT TURN</p> <p>E MAKING LEFT TURN</p> <p>F MAKING U TURN</p> <p>G BACKING</p> <p>H SLOWING / STOPPING</p> <p>I PASSING OTHER VEHICLE</p> <p>J CHANGING LANES</p> <p>K PARKING MANEUVER</p> <p>L ENTERING TRAFFIC</p> <p>M OTHER UNSAFE TURNING</p> <p>N XING INTO OPPOSING LANE</p> <p>O PARKED</p> <p>P MERGING</p> <p>Q TRAVELING WRONG WAY</p> <p>R OTHER*</p> <p>SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)</p> <p>A HAD NOT BEEN DRINKING</p> <p>B HBD - UNDER INFLUENCE</p> <p>C HBD - NOT UNDER INFLUENCE*</p> <p>D HBD - IMPAIRMENT UNKNOWN*</p> <p>E UNDER DRUG INFLUENCE*</p> <p>F IMPAIRMENT - PHYSICAL*</p> <p>G IMPAIRMENT NOT KNOWN</p> <p>H NOT APPLICABLE</p> <p>I SLEEPY / FATIGUED*</p>

SKETCH FOR SKETCH DIAGRAM, SEE PAGE 4

INDICATE NORTH

MISCELLANEOUS

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
INJURED / WITNESSES / PASSENGERS**
CHP 555 CARS PAGE 3 (REV 11-18) OPI 080

PAGE 3 OF 9

DATE OF COLLISION (MO, DAY YEAR) 11/04/2018		TIME(24HR) 1440		HICID # 9325		OFFICER I.D. 013434		NUMBER 9325-2018-01207									
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)				PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED	
				FATAL INJURY	SUSPECTED SERIOUS INJURY	SUSPECTED MINOR INJURY	POSSIBLE INJURY	DRIVER	PASS.	PED.	BICYCLIST	OTHER					
<input type="checkbox"/> #	<input type="checkbox"/>	25	M	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	1	L	G	0
NAME / D.O.B. / ADDRESS ANATOLY BOROKHOVICH (07/21/1993) 11664 EL CERRO LN STUDIO CITY CA 91604												TELEPHONE (323)404-5393					
(INJURED ONLY) TRANSPORTED BY: TOO SEEK OWN AID				EMS RUN NUMBER				TAKEN TO:									
DESCRIBE INJURIES: LACERATION TO LEFT HAND AND SEATBELT ABRASIONS ON LEFT CLAVICLE																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input type="checkbox"/> #	<input checked="" type="checkbox"/>	51	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	3	L	G	0
NAME / D.O.B. / ADDRESS EMIL BOROKHOVICH (10/13/1967) 5901 W. OLYPIC BLVD LOS ANGELES CA 90037												TELEPHONE (323)404-5393					
(INJURED ONLY) TRANSPORTED BY:				EMS RUN NUMBER				TAKEN TO:									
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/> #	1	<input type="checkbox"/>	21	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS VICTOR PEREZ (12/31/1996) 900 MEADOWOOD LANE SAINT HELENA CA 94574												TELEPHONE (707)304-6393					
(INJURED ONLY) TRANSPORTED BY:				EMS RUN NUMBER				TAKEN TO:									
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input type="checkbox"/> #	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS												TELEPHONE					
(INJURED ONLY) TRANSPORTED BY:				EMS RUN NUMBER				TAKEN TO:									
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input type="checkbox"/> #	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS												TELEPHONE					
(INJURED ONLY) TRANSPORTED BY:				EMS RUN NUMBER				TAKEN TO:									
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input type="checkbox"/> #	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS												TELEPHONE					
(INJURED ONLY) TRANSPORTED BY:				EMS RUN NUMBER				TAKEN TO:									
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
PREPARER'S NAME KIRK PAULSON				I.D. NUMBER 013434		MO. DAY YEAR 11/04/2018		REVIEWER'S NAME V POMPLIANO 019659				MO. DAY YEAR 11/07/2018					

AN INTERNATIONALLY ACCREDITED AGENCY

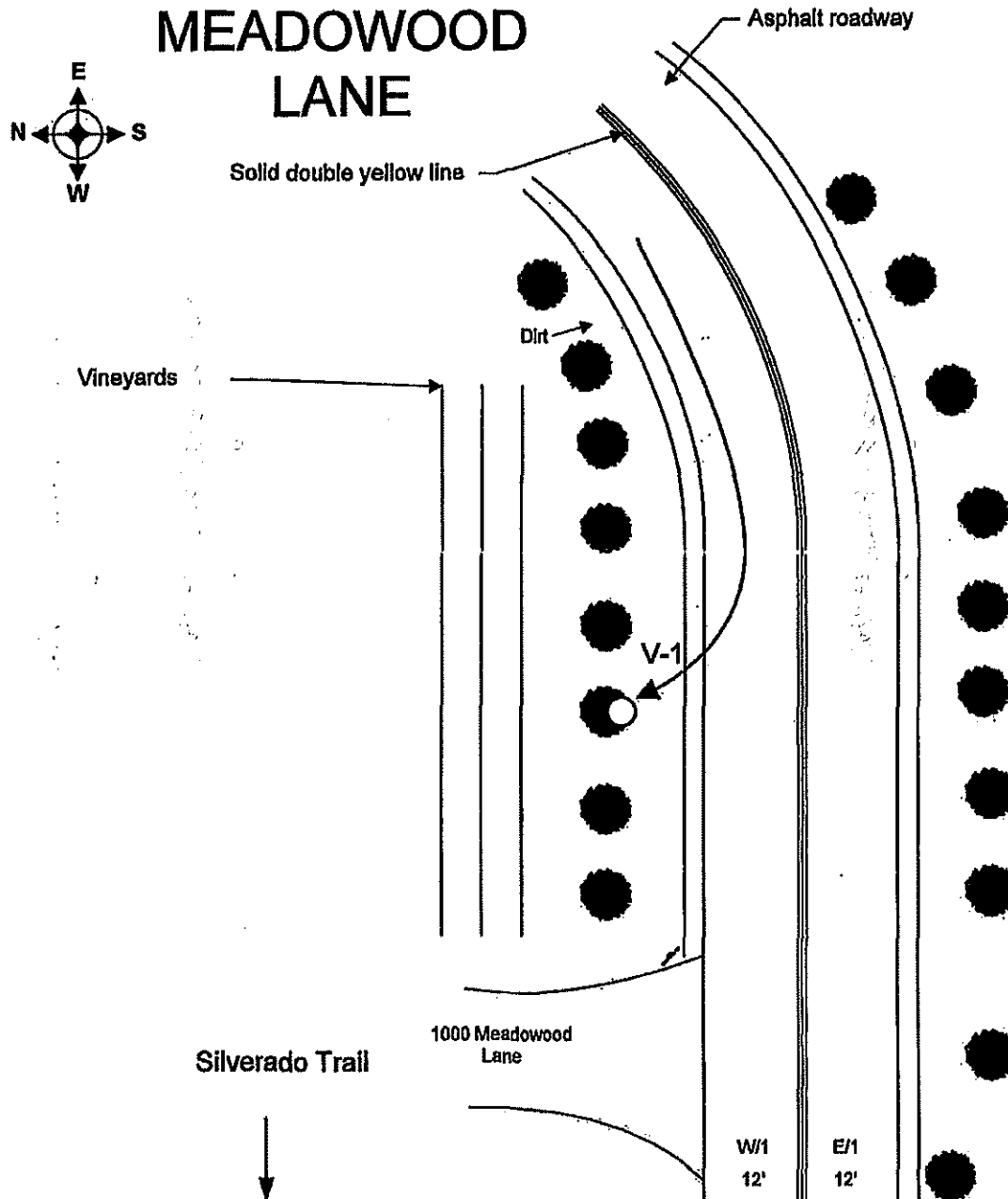
STATE OF CALIFORNIA
SKETCH DIAGRAM

CHP 555 Page 4 (Rev. 04-11) OPI 060

PAGE 4 OF 9

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/04/2018	1440	9325	013434	9325-2018-01207

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE=)



PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
KIRK PAULSON	013434	11/04/2018	V POMPLIANO 019659	11/07/2018

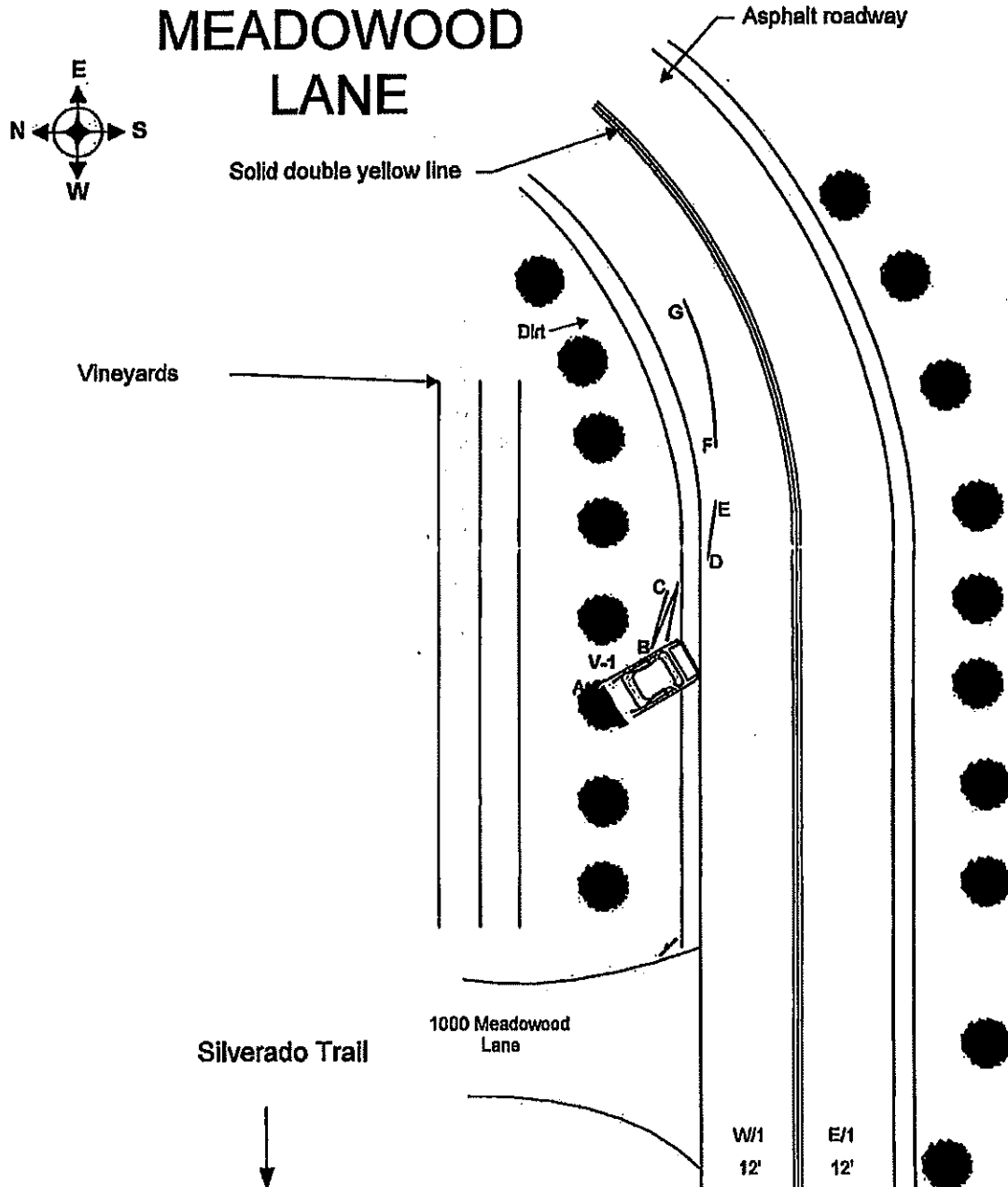
STATE OF CALIFORNIA
FACTUAL DIAGRAM

CHP 555 Page 4 (Rev. 04-11) OPI 060

PAGE 5 OF 9

DATE OF INCIDENT 11/04/2018	TIME 1440	NCIC NUMBER 9325	OFFICER I.D. 013434	NUMBER 9325-2018-01207
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE=)



PREPARED BY KIRK PAULSON	I.D. NUMBER 013434	DATE 11/04/2018	REVIEWER'S NAME V POMPLIANO 019659	DATE 11/07/2018
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STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

PAGE 6 OF 9

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/04/2018	1440	9325	013434	9325-2018-01207

1 LEGEND**2 VEHICLE POINTS OF REST**

3 V-1 (left front tire) was 437 feet east of the east roadway edge of the Silverado Trail and 8' 10"
 4 north of the north roadway edge of Meadowood Lane.

5 V-1 (left rear tire) was 443 feet east of the east roadway edge of the Silverado Trail and 1'10"
 6 north of the north roadway edge of Meadowood Lane.

7 PHYSICAL EVIDENCE

8 A) Damaged olive tree.

9 B) Marks in dirt from V-1 end.

10 C) Marks in dirt from V-1 start.

11 D) Tire friction mark from V-1 end.

12 E) Tire friction mark from V-1 start.

13 F) Tire friction mark from V-1 end.

14 G) Tire friction mark from V-1 start.

15 LOCATIONS

16 A) 438 feet east of the east roadway edge of the Silverado Trail and 10'4" north of the north
 17 roadway edge of Meadowood Lane.

18 B) 447 feet east of the east roadway edge of the Silverado Trail and 2 feet north of the north
 19 roadway edge of Meadowood Lane.

20 C) 459 feet east of the east roadway edge of the Silverado Trail and 10 feet north of the north
 21 roadway edge of Meadowood Lane.

22 D) 466 feet east of the east roadway edge of the Silverado Trail and 1 foot south of the north
 23 roadway edge of Meadowood Lane.

24 E) 486 feet east of the east roadway edge of the Silverado Trail and 4 feet south of the north
 25 roadway edge of Meadowood Lane.

26 F) 519 feet east of the east roadway edge of the Silverado Trail and 6 feet south of the north
 27 roadway edge of Meadowood Lane.

28 G) 552 feet east of the east roadway edge of the Silverado Trail and 9 feet south of the north
 29 roadway edge of Meadowood Lane.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
KIRK PAULSON	013434	11/04/2018	V POMPLIANO 019659	11/07/2018

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

PAGE 7 OF 9

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/04/2018	1440	9325	013434	9325-2018-01207

1 FACTS**2 NOTIFICATION**

3 While on routine patrol, I came upon this minor injury traffic collision at approximately 1450 hours.

4 All speeds, times and measurements are approximate. All measurements were made by roll-
5 meter.

6

7 SCENE DESCRIPTION

8 Meadowood Lane, at the collision scene, is a two way asphalt surfaced roadway that runs in an
9 east/west direction. The traffic lanes are separated by solid double yellow lines. The south side
10 of the roadway has an asphalt shoulder followed by dirt and a row of olive trees. The north side of
11 the roadway has an asphalt shoulder followed by dirt and olive trees (See factual diagram for
12 further).

13

14 PARTIES

15 Party #1 (P-1/Borokhovich) was located standing near V-1. P-1 was identified by his California
16 Driver's License. P-1 was determined to be the driver of V-1 at the time of the collision by his own
17 admission and passenger statement.

18

19 Vehicle #1 (V-1/Ferrari 800 Superfast) was located on the north shoulder up against an olive tree
20 facing in a northwesterly direction. V-1 sustained major damage to its front end including its front
21 bumper, hood, engine compartment and left front fender.

22

23 V-1's airbags deployed as a result of this collision. There was no complaint of seatbelt
24 malfunction on V-1.

25

26 PHYSICAL EVIDENCE

27 The physical evidence consisted of damage to V-1, tire friction marks and damage to the olive
28 tree.

29

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
KIRK PAULSON	013434	11/04/2018	V POMPLIANO 019659	11/07/2018

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

PAGE 8 OF 9

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/04/2018	1440	9325	013434	9325-2018-01207

1 STATEMENTS

2 P-1 (Borokhovich) related in essence that he was driving westbound Meadowood Lane at
3 approximately 25 MPH. As P-1 rounded a curve in the roadway, he observed an unknown car in
4 his lane. P-1 swerved to the right and into the dirt. P-1 lost control of V-1 and collided into the
5 tree. P-1 had no description of the other vehicle.

6

7 Passenger (Borokhovich) related in essence that he was the right front passenger seat of V-1.
8 Borokhovich related he was looking down at his phone when V-1 suddenly struck a tree.

9

10 Witness #1 (W-1/Perez) related in essence that he was working the front gate at the Meadowood
11 Resort. W-1 observed P-1 drive by in V-1 and exit the resort slowly. A few seconds later, W-1
12 heard V-1 accelerating rapidly followed by a loud crash. P-1 entered a vehicle and drove to the
13 collision scene. W-1 related that no other vehicles had driven past him from the time V-1 drove
14 past him until after he arrived on scene of the collision.

15

16 OPINIONS AND CONCLUSIONS**17 SUMMARY**

18 P-1 (Borokhovich) was driving westbound Meadowood Lane at an undetermined speed in excess
19 of 25 MPH. P-1 entered a right hand curve in the roadway. For unknown reasons, P-1 lost
20 control of V-1 and crossed onto the north shoulder and struck an olive tree. V-1 came to rest with
21 its front end on top of the base of the olive tree facing in a northwesterly direction on the north
22 shoulder.

23

24 AREA OF IMPACT (AOI)

25 The AOI (V-1 vs olive tree) was 438 feet east of the east roadway prolongation of the Silverado
26 Trail and 10 feet 4 inches north of the north roadway edge of Meadowood Lane.

27

28

29

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
KIRK PAULSON	013434	11/04/2018	V POMPLIANO 019659	11/07/2018

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

PAGE 9 OF 9

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/04/2018	1440	9325	013434	9325-2018-01207

1 CAUSE

2 P-1 (Borokhovich) was determined to be at fault for this collision by being in violation of section
 3 22107 VC-(unsafe turning movement).

4 The Summary, AOI and Cause were based upon statements, vehicle damage and physical
 5 evidence.

6

7 RECOMMENDATIONS

8 None

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
KIRK PAULSON	013434	11/04/2018	V POMPLIANO 019659	11/07/2018

Exhibit E



NJU00172947KC

PROOF OF LOSS - AUTOMOBILE

Policy Number:	133742919	Insured:	Ferrari north America Inc.
Type of Loss:	Collision	Loss Date:	11/4/2018
Year:	2018	Make:	Ferrari
Model:	812 Superfast	VIN:	ZFF83CLA3J0234331

The above insured automobile at the time of the loss or damage belonged solely to: **Ferrari North America **, and no other person had any interest, sale contract, or otherwise.

At the time of this loss there was no other insurance on said automobile, except as follows: United States Fire Insurance Company.

The said automobile at the time of the loss or damage was being operated by: ** Permissive Driver**.

The undersigned hereby assigns and transfers to the said Company each and all claims and demands against any other party, person persons, property or corporation, arising from or connected with such loss and damage and the said Company is hereby subrogated in the place of and to the extent of the amount paid by it as hereinafter provided, and the said Company is hereby authorized and empowered to sue, compromise, or settle in my/our name or otherwise to the extent of the money paid as aforesaid.

The said loss or damage did not originated by any act, design or procurement on my/our part nor on the part of anyone having interest in the property insured, or in the said policy of insurance; nor in consequence of any fraud or evil practice done or suffered by me/us and that no property saved has in any manner been concealed.

It is expressly understood and agreed that the furnishing of the "Proof of Loss" blank to the insured or assistance in making up this statement by an adjuster or any person otherwise an agent of the Company is an act of courtesy and is not a waive of any rights of said Company.



Page 2
Claim #: NJU00172947KC

Cash Value	Sales Tax	Deductible Amount	Salvage	Net Loss
\$490,043.00	\$32,465.35	\$5,000.00	\$225,000.00	\$292,508.35**Net Loss**

The Company, is hereby authorized, requested, and empowered to pay as follows:

To:

Ferrari North America

the sum of \$\$292,508.35

In full settlement and satisfaction for all loss and damage as set forth in the foregoing Proof of Loss.

In consideration of such payment said Company is hereby discharged and forever released from any and all further claim, demand or liability whatsoever for said loss and damage, under and/or by reason of said policy.

Subscribed and sworn to before me this 15th of May, 2019
(day of the week) (month and date)

David Miller
Signature of Policyholder DAVID MILLER
Policy Holder's Name

Signature of Owner
(if different than Policy Holder)

State of: New Jersey

County of: Bergen

Maria Morgato
Signature of Notary Public

My Commission Expires on:

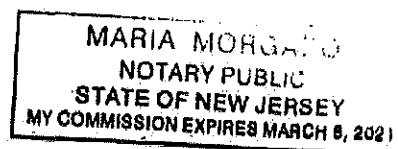


Exhibit F



CRUM & FORSTER®

A FAIRFAX COMPANY

UNITED STATES FIRE INSURANCE CO.

Morristown Claims
305 Madison Ave. PO Box 1973
Morristown NJ 07962-1973

05/17/2019
Ferrari North America, Inc
Attn: Mr. Jeff Grossbard
250 Sylvan Ave
Englewood Cliffs NJ 07632

Re: Insured Name: FERRARI NORTH AMERICA, INC. FERRARI FINANCIAL SERVICES, INC.
Claim Number: NJU00172947
Date Of Loss: 11/04/2018
Payee Name: Ferrari North America, Inc
Payment Amount: \$292,508.35

PAYMENT ENCLOSED

Dear Ferrari North America, Inc:

Enclosed is our check in the amount of \$292,508.35 made payable to Ferrari North America, Inc.

If you have any questions, feel free to contact me at your convenience at 877-622-6538.

Yours truly,

Kathi Clayton

CERTIFICATE OF SERVICE

I, the undersigned, declare:

I am employed in the City and County of San Francisco. I am over the age of eighteen (18) and not a party to the within cause. My business address is 750 Battery Street, Suite 700, San Francisco, California, 94111.

On June 9, 2020, I served the attached document(s):

SECOND AMENDED COMPLAINT FOR:

- 1. Breach of Contract**
- 2. Breach of Contract**
- 3. Negligence**
- 4. Negligence**

DEMAND FOR JURY TRIAL

On the party(s) to this action by sending a true copy thereof, addressed as follows:

/ X / (BY ELECTRONIC SERVICE) The documents were served electronically via the Court's CM/ECF electronic filing system.

Michael D. Michel, Esq.
Kate Morrow, Esq.
Michel & Fackler
2175 North California Boulevard, Suite 550
Walnut Creek, California 94596
mandflaw@michelandfackler.net
**Attorneys for Defendant/Cross-Claimant
Robb Report Media, LLC and Defendant
Robb Douglas Rice**

Philip A. Segal
Kern, Segal & Murray
1388 Sutter Street, Suite 600
San Francisco, CA 94109
phil@kndslaw.com
**Attorneys for Defendants/Cross-Defendants
Anatoly Borokhovich and Emil Borokhovich**

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct. Executed on June 9, 2020, at San Francisco, California.

/s/ Joseph Ehrlich
Joseph Ehrlich